

F. & D. Nos. 1458, 1564, 1494.

I. S. Nos. 10273-b, 10280-b, 10272-b, 10286-b, 10300-b, 10271-b.

Issued September 27, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1674.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF ALEXANDRIAN SENNA LEAVES, TINNEVELLY SENNA LEAVES, SENEKA ROOT, COCA LEAVES, STRAMONIUM LEAVES, AND HENBANE LEAVES.

At a stated term of the Circuit Court of the United States for the Southern District of New York, begun and held in the city of New York on the first Monday of July, 1911, the United States Attorney for said district, acting upon reports by the Secretary of Agriculture, filed in said Circuit Court an information against R. Hillier's Son Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 1, 1909, from the State of New York into the State of California—

(1) Of a consignment of granulated senna leaves which were adulterated and misbranded. The product was labeled: "Granulated Senna Leaves Alexandria 5 lbs. net. Guaranteed under the Food and Drugs Act June 30, 1906 U. S. Serial No. 2363." Microscopical examination of a sample of this product by the Bureau of Chemistry of this Department showed it to consist of Alexandrian senna leaves with from 15 to 20 per cent impurities (sand, pods, seeds, flowers, stems, and foreign tissue, including some pebbles).

(2) Of a consignment of senna leaves which were adulterated and misbranded. The product was labeled: "Senna Leaves Tinnevelly, Guaranteed under the Food and Drugs Act, June 30, 1906. U. S. Serial No. 2363." Microscopical examination of a sample of this product by the Bureau of Chemistry of this Department showed it to consist of a mixture of several varieties of senna leaves with about 15 per cent of stems and other impurities (seeds, pods).

(3) Of a consignment of seneka root which was adulterated and misbranded. The product was labeled: "Seneka Root Granulated. 2 lbs. net. Guaranteed under the Food and Drugs Act, June 30, 1906. U. S. Serial No. 2363." Microscopical examination of a sample of this product by the Bureau of Chemistry of this Department showed it to consist of a mixture of two (perhaps three) different seneka roots; *Polygala senega* and perhaps *P. alba*.

(4) Of a consignment of coca leaves which was adulterated and misbranded. The product was labeled: "Coca leaves. Guaranteed under the Food and Drugs Act June 30, 1906. Guarantee Serial No. 2363. 2 lbs. Net." Examination of a sample of this product by the Bureau of Chemistry of this Department showed it to be adulterated with bracts or glumes of some unknown plant, foreign leaves, bits of stems, starch-bearing roots, pebbles, etc., the adulterants constituting about 35 per cent of the entire bulk.

(5) Of a consignment of stramonium leaves which was adulterated and misbranded. The product was labeled: "3 Lbs. Net Granulated U. S. P. Guaranteed under the Food and Drugs Act June 30, 1906; Guarantee Serial No. 2363. Stramonium Leaves." Examination of a sample of this product by the Bureau of Chemistry of this Department showed it to be weighted with pebbles. Refuse (foreign leaves, sand, dirt, etc.) excessive.

(6) Of a consignment of henbane leaves which was adulterated and misbranded. The product was labeled: "2 Lbs. Net. Guaranteed under the Food and Drugs Act, June 30, 1906. Guarantee Serial No. 2363, Henbane Leaves Granulated." Microscopical examination of a sample of this product by the Bureau of Chemistry of this Department showed it to contain considerable impurities (sand, dirt, foreign leaves, and stems), about 15 per cent.

Adulteration of these products, except as to henbane leaves, was alleged in the information for the reason that they were sold under and by names recognized in the United States Pharmacopœia, to wit, senna leaves Alexandria, senna leaves, seneka root, coca, and stramonium, and they each differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia in that in the case of Alexandrian senna leaves it contained stalks and other foreign substances and the standard of quality and purity thereof was not stated upon said package and also in that certain other substances than granulated Alexandrian senna leaves, to wit, stalks and other foreign substances, had been substituted in part for said article which were not declared, and its strength and quality fell below the professed standard and quality under which it was sold. In the case of Tinnevelly senna leaves in that it contained stalks and other foreign substances, and the standard of strength, quality,

or purity was not stated upon the package and also in that certain substances, to wit, stalks and other foreign substances, had been substituted in part for the product which were not declared, and its strength and purity fell below the professed standard under which it was sold. In the case of seneka root in that it consisted in part of roots other than *Polygala senega* and the standard of strength, quality, or purity was not stated upon said package, in that certain substances other than seneka root, to wit, other roots, had been substituted in part for said product which were not declared, and its strength and purity fell below the professed standard and quality under which it was sold. In the case of coca leaves in that it contained a smaller amount of ether soluble alkaloids than as prescribed in said test, and the standard of strength, quality, or purity of said article was not stated upon the package. In the case of stramonium leaves in that it contained a smaller amount of mydriatic alkaloids than as prescribed therein and the standard of strength, quality, and purity of the product was not stated on the package, and in that certain substances other than stramonium leaves, to wit, other leaves, sand, dirt, and other foreign substances, had been substituted in part for the product which were not declared, and its strength and purity fell below the prescribed standard and quality under which it was sold. Adulteration of the henbane leaves was alleged for the reason that certain substances other than henbane leaves, to wit, sand, dirt, other leaves, and other foreign substances, had been substituted in part for said product, and its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding of all these products was alleged for the reason that they were labeled so as to mislead the purchaser or purchasers thereof in that the products were different from the description thereof on their labels and packages, and for the further reason that they were labeled so as to deceive the purchaser or purchasers in that the packages and labels on said products bore statements regarding each of them and the ingredients and substances contained therein which were false and misleading. In the case of Alexandrian senna leaves in that the label thereon stated that said product consists entirely of granulated senna leaves Alexandria, whereas it was not such, but a mixture of senna leaves and refuse material foreign thereto; in the case of Tinnevelly senna leaves in that the label thereon bore statements to the effect that the product consisted entirely of senna leaves of the Tinnevelly variety whereas it did not, but consisted of a mixture of said senna leaves with senna leaves of other varieties and other foreign substances; in the case of seneka root in that the label thereon stated that the product consisted wholly of seneka root whereas it did not so consist, but was a mixture of seneka roots with

other roots; in the case of coca leaves in that the label thereon bore statements to the effect that the product consisted entirely of coca leaves whereas it did not, but was a mixture of coca leaves with other leaves, stems, pebbles, and other foreign substances; in the case of stramonium leaves in that the label thereon bore statements, designs, and devices to the effect that the product was of the standard prescribed in said United States Pharmacopœia and consisted entirely of stramonium leaves whereas it did not, but was a mixture of stramonium leaves and other leaves, sand, dirt, and other foreign substances; in the case of henbane leaves in that the label thereon bore statements, designs, and devices to the effect that the product consisted entirely of henbane leaves whereas it did not, but was a mixture of those leaves with other leaves, sand, dirt, and other substances.

On May 1, 1912, the defendant corporation entered a plea of guilty to the information and the court imposed a fine of \$50.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *July 24, 1912.*

